



Memorandum

TO: City Council

FROM: Mayor Ron Gonzales

SUBJECT: Mayor's 2005 Biennial Ethics
Review and Recommendations

DATE: December 9, 2005

Approved

Date

12/9/05

RECOMMENDATION

1. **Accept the following work of the Blue Ribbon Task Force and City Council accomplished during the past year for the Mayor's Biennial Review on Ethics for 2005:**
 - a. Revisions to the Code of Ethics (6/28/05).
 - b. Revisions to the Lobbyist Ordinance, including the implementation of fees for annual registration (8/10/04).
 - c. Revisions to the Gift Ordinance (10/5/04).
 - d. Revisions to the Revolving Door Ordinance (10/26/04).
 - e. Revisions to provisions relating to the Officeholder Accounts (11/16/04).
 - f. Amendments made to provisions relating to definitions of independent expenditures and applicability of agents in section 12.06 of the Campaign Ordinance and penalties changed to be per violation in Chapter 12.04 covering the Elections Commission (11/16/04).
 - g. Adoption of amendments to Election Commission Regulations (3/1/05).
 - h. Termination of Council Office "special events accounts" (2/1/05).
 - i. Revision of the Council Conduct Policy (formerly Censure Policy) (11/30/04).
 - j. Approval of an ordinance adding regulations regarding the disclosure of fundraising activities by elected officeholders (3/15/05).
 - k. Review of ethics code and issues, including "sunshine" ordinances, council/commission relations, outside employment by councilmembers, and Independent Judgment Policy and Council interaction policies.
 - l. Completion of ethics training for City Council and management staff (1/28/05).
 - m. Launch of online campaign finance and lobbyist disclosure statements (early 2006)
2. **Approve the following direction:**
 - a. Direct the City Clerk and City Attorney to bring back to the Rules Committee a status report of the revised Gift Ordinance by February 2006.
 - b. Direct the City Attorney to review and bring forward to Council any possible updates to the "Commission/Liaison Code of Conduct and Ethics Guidelines," and once adopted, include this policy in the Council Policy Manual.

- c. Direct the City Attorney and City Manager to develop a Council Policy regarding "Conflict of Interest in Procurement," in accordance with the report on this matter (*titled "Supplemental Report – Request for Proposal Procedure and other Procurement Reforms Procedures"*) presented to the Making Government Work Better Committee on November 17 and accepted by City Council on December 6. This Policy should include all elements of the Procurement Process Integrity Guidelines adopted by Council on November 9, 2004, and will be applied to all competitive processes. Staff should bring this to Council by March 2006.
- d. Direct the City Manager to continue his work on the Independent Judgment Policy and Interaction Policy, and bring to Council by Spring 2006.
- e. Direct the City Attorney and City Clerk to provide an information memo to the City Council, and to board and commission members and staff, regarding the letter and spirit of laws and policies regulating open meetings by public agencies, including Brown Act requirements and related matters.

BACKGROUND

To ensure that the City conducts its business in an open, fair, and ethical manner and provides for accountability to the public, it is essential that the City Council regularly review and update its policies and ordinances. The City Charter therefore requires the Mayor to conduct a biennial review of the City's Code of Ethics and related policies and ordinances and to bring recommendations as necessary to the City Council for approval.

In my last biennial review in August 2003, the City Council approved my recommendation to establish a Blue Ribbon Task Force of councilmembers to conduct a comprehensive review of our ethics issues and ordinances. The Task Force met for one year, between April 2004 and April 2005, and brought many recommendations to the City Council.

This work led to the updating of ordinances and policies that have already been approved by the City Council earlier this year, as noted above. It also represented the most thorough review and revision of our ethics policies that the City has undertaken in many years. It is my recommendation that these changes be accepted as our regular biennial review in recognition of the substantive achievements by the Task Force and Council to further our goal for open and accountable government.

There remain a few issues that were not completed as a part of the Task Force's work that were identified by the Task Force and Council earlier this year. I have outlined a timeline for completion for these specific items in my recommendations.

With the completion of our work in the past year, the City of San José is now among the cities with highest standards for ethics policies and ordinances. This is a leadership position that the City Council and our community can take genuine pride in.